

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, August 10, 2004**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

The following minutes were recorded by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

ANNOUNCEMENT

Commissioner President McKay announced the death August 5th of Pfc. Raymond J. Faulstich, Jr, age 24, native of St. Mary's County, while serving in Operation Iraqi Freedom. Condolences were expressed to the family of Pfc. Faulstich.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, August 3, 2004. Motion carried.

TRI COUNTY COUNCIL FOR SOUTHERN MARYLAND: BROADBAND STUDY UPDATE

Present: David Jenkins, Executive Director

Members of the Tri County Council for Southern Maryland provided a Broadband Study Update, outlining financial support gained for a feasibility study. The following topics were covered:

- Explanation of broadband;
- High speed telecommunications in the County is mandatory for business development;
- Current telecommunications infrastructure does not adequately support the goal of fostering high-tech businesses;
- Inadequacies have dissuaded commercial-grade bandwidth providers from locating in the region;
- Vision and goal of Tri County Task Force initiative;
- Proposed solution to build OC-3 wireless broadband infrastructure, regionally owned and operated, leverage current regional assets, fund through grants, loans, resource contributions;
- Action plan to included feasibility study, implementation strategy, further identification of funding resources;
- Estimate for project is plus or minus \$120,000;
- Proposed sonnet ring was discussed and outlined;
- Progress to date;
- Current applications for grants and loans outlined.

Commissioners were asked to give their support toward the continuance of the pursuit of providing affordable broadband access. A funding request for minimal support for the regional cooperative feasibility study/site survey may be presented to the County sometime in the future.

MUSEUM DIVISION BOARD OF TRUSTEES ANNUAL REPORT

Present: Phil Rollins, Director, Recreation, Parks, and Community Services
 Debra Pence, Museum Director
 Shirley Leyland, President, Museum Board of Trustees
 Other Board of Trustees Members

The Museum Division Board of Trustees presented their Annual Report for 2003. A replica of the new pin, incorporating the Piney Point Lighthouse, as well as the St. Clement's Island Museum, was displayed. The following main topics were presented:

- Four nationally accredited museums in St. Mary's County;
- 16,777 visitors during calendar year 2003
- Purpose and accomplishments were outlined;
- Problems and challenges, which included funding for development of Piney Point Lighthouse Museum and Park, continued funding for the Museum Division, and continuing to recover from the damaging effects of Hurricane Isabel;
- Plans for calendar year 2004;
- Board of Trustees and new Museum Director are working very well together; and
- No vacancies on the Board are anticipated in 2004.

The Board of County Commissioners commended the Museum Division Board of Trustees for their hard work and efforts on behalf of the citizens of St. Mary's County. The strong group of volunteers that faithfully serve were commended, and the Board of Trustees were commended for their excellent efforts in developing the commitment of these volunteers. The public was invited to visit the Museums and to consider volunteering and/or become a member of the Friends of the Museums.

Commissioner Jarboe moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel and Real Property Acquisition/Disposition, as provided for in Article 24, Section 4-210(a)1 and Article 24, Section 4-210(a)11. Motion carried.

The following minutes were recorded by Donna Gebicke:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
John Savich, Director, Economic and Community Development
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 10:30 am – 11:40 am

Action Taken: The Commissioners discussed a personnel matter.

Real Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
John Savich, Director, Economic and Community Development
Robin Finnacom, Director, Lexington Park Plan
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 11:41 am – 11:59 am

Action Taken: The Commissioners discussed a property acquisition/disposition matter.

The remaining minutes were recorded by Kate Mauck:

COUNTY ADMINISTRATOR

1. Draft Agenda for August 24, 2004 (*There will be no meeting on August 17th*)

2. Health Department

Present: Daryl Calvano, Environmental Health Director
Victor Krasnokutsky, Program Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Agreements with Maryland Department of the Environment regarding Monitoring of Land Application of Sewage Sludge in St. Mary's County and related Budget Amendment. Motion carried.

3. Department of Public Works and Transportation

Present: George Erichsen, Director

Also Present: Steve Bildman, Co-Owner, Airport Development, LLC

a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Lease and Operating Agreement Addendum with Airport Development, LLC. Motion carried.

Also Present: Steve Bildman, Co-Owner, DMTU, LLC

b. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Lease and Operating Agreement Addendum with DMTU, LLC. Motion carried.

Also Present: Steve Bildman, Co-Owner, Airpark Sales & Service, Inc.

c. It was reported that the business entitled Airpark Sales & Services, Inc. has been changed to Airtec, Inc.

d. Commissioner Dement moved, seconded by Commissioner Mattingly, for the Board of County Commissioners to provide their concurrence with Expression of Interest for use of Airport Terminal Building Space and direct staff to proceed with finalizing solicitation with the Office of Procurement. Motion carried.

- e. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Maryland Department of Natural Resources Waterway Improvement Fund Application and Project Agreement to fund the dredging of the Southern Prong at St. Jerome Creek. Motion carried.**

Mr. Erichsen was directed to check to see if the obstruction in St. Jerome Creek has been removed and to report back to the Commissioners.

- f. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign Ordinance to create Holly Point Shore Erosion Control District and approve and authorize the Commissioner President to sign Department of Natural Resources Project Agreement. Motion carried.**

4. Finance Department

Present: Elaine Kramer, Director
David Zylak, Sheriff
Tara Klotz, Deputy Director, Human Resources

- a. **Commissioner Raley moved, seconded by Commissioner Dement, to direct County staff to implement the Sheriff's identified reclassifications, recognizing that it involves six additional positions and approximately \$37,885 more dollars than was identified in the budget decision. Motion carried.**

Discussion took place prior to the vote regarding the implementation date of the reclassifications as well as concern that the additional funding necessary to implement increased pay to match the reclassifications was not in place when it should have been. It was established that in the future, if sufficient funding is not put into place within the budget, that no action should take place on any item placed before the Commissioners.

- b. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve salary schedules for Law Enforcement and Corrections. Motion carried.**

5. Office on Aging

Present: Gene Carter, Director

- a. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Curb Abuse in Medicare and Medicaid Notification of Grant Award (\$9,036) and related Budget Amendment. Motion carried.**

- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Child and Adult Care Food Program Grant Agreement. Motion carried.**

6. **County Attorney**

Present: John Norris, III
John Savich, Director of Economic and Community Development
Robin Finnacom, Lexington Park Plan

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to: 1) Sign the contract of sale to purchase Lexington Manor at the price of \$5,251,900, which may be adjusted as provided in the option agreement; 2) Sign the Statement of Basis for the Determination of Just Compensation; and 3) Approve the execution of a check in the amount of \$60,000 as earnest money for the purchase of Lexington Manor. Motion carried.

An offer was extended on August 10, 2004 to LP Park Center, LLC to purchase the 84-acre Lexington Manor property, known as the Flat Tops, in Lexington Park. The offer was extended in compliance with the August 16, 2004 deadline outlined in the County's option to purchase agreement. A final settlement is expected by the end of the year. With the purchase, the County intends to remove a blighted area, eliminate encroachment on the Patuxent River Naval Air Station, and relocate low-income residents to more suitable housing.

The Board of County Commissioners commended the County Attorney, Director of Economic and Community Development, and Director of the Lexington Park Plan, as well as their departments for their dedicated and time-consuming efforts in helping to fulfill this portion of the revitalization of Lexington Park.

COMMISSIONER'S TIME

Commissioner Dement

Represented the Commissioners on Thursday, August 5th, at Hollywood Elementary School for the Open House celebrating the 2004 New Horizons Camp for special education students. The students have come a long way under the instruction of Ms. Pence.

Recently toured the King's Christian Academy Christian School, which is scheduled to open August 30th. The entire facility will not be completed by that time; however, school will open on time. Commissioners will be invited to a dedication ceremony anticipated sometime in October.

Expressed sympathy to Harry Koehler and his family after the loss of his wife, Lee. They have been very dedicated volunteers in the County.

Announced that his wife's sister had major surgery last week.

Commissioner Mattingly

Expressed congratulations to individuals that recently celebrated their Leonardtown High School 40th Anniversary Reunion. The celebration and dinner occurred last Saturday evening, and they were congratulated on behalf of the Commissioners.

Also attended the Hollywood Elementary School Open House celebrating the 2004 New Horizons Camp after Commissioner Dement had already departed, and they had a very nice event.

Commissioner Jarboe

Offered apologies for not being able to attend events lately, as his son is home until September, and will then be returning overseas.

Commissioner Raley

Represented the Commissioners and presented proclamation at the 65th Birthday celebration for Mr. Norman Bailey, Jr., who sings in the Mt. Zion Men's Gospel Group. It was quite a celebration.

Offered happy birthday wishes to Ms. Louise Crane, who recently turned 95 years old. Ms. Crane watches the Commissioner meetings every Tuesday, and Commissioner Raley told her they would try to be better and start the meetings on time.

Attended, along with Commissioner Mattingly, the public forum held by the Board of Education for their Five Year Master Plan. It was well attended, many good comments were made, and they are working very hard on this effort.

Commissioner President McKay

Outlined problems with the Comprehensive Zoning Ordinance – drew diagrams explaining how a family of six, desiring to split family-bequeathed 30-acre property into equal parcels, would be required to cluster on 50% of the property, which would then leave each person with only 2 ½ acres each. This would occur due to the fact that six lots would be considered a major subdivision. Mr. Canavan, Director of Land Use and Growth Management, pointed out that any matter such as this can be appealed to the Board of Appeals at any time. *Commissioners directed that problems with the Comprehensive Zoning Ordinance such as this should be brought to the Commissioners every couple of months so as to make changes as needed to the Comprehensive Zoning Ordinance.*

EXECUTIVE SESSION

Real Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 1:30 pm – 1:35 pm

Action Taken: The Commissioners discussed a property acquisition/disposition matter.

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 1:35 pm – 2:19 pm

Action Taken: The Commissioners discussed employment contracts.

PUBLIC FORUM: PATUXENT RIVER NAVAL AIR MUSEUM

Present: Rear Admiral Gus Eggert, President, Naval Air Museum Board
Ed Forsman, Acting Vice President, Naval Air Museum Board
Toby Van Esselstyn, Director, Naval Air Museum Board
Members, Naval Air Museum Board
County Staff Members

Commissioners introduced and welcomed the following new appointees to Boards, Committees, and commissions:

- Trisha Dunn – Commission for Women
- Debbie Greco – Commission for Women and Human Relations Commission
- Joseph B. Bush – Human Relations Commission

- John W. Duchesne – Nursing Center Governance Board
- David A. Zorychta – Solid Waste Advisory Committee

At this time, the Board of County Commissioners voted on items handled during Executive Session earlier in the day as follows:

Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to proceed as directed on matters of Personnel and Real Property Acquisition/Disposition. Motion carried.

Commissioner President McKay opened the public forum for comment, with the following individuals speaking:

Lisa Clemence – 47110 Schwartzkopf Drive, Lexington Park, Maryland – Outlined problems in the Greenbrier Subdivision across from Gate 3 of the Naval Base – Builders routinely burn materials, leading to destruction of trees, smoldering and stinking smells for hours or days, etc. Need to stop the burning as citizens have a right to clean, fresh air, to be able to go outside without breathing in toxins, dealing with burned debris on sidewalks, and children are unable to play safely. Asked the County to implement a ban on open burning such as has been instituted in other counties.

Lorina Clemence (age 6) – 47110 Schwartzkopf Drive, Lexington Park, Maryland - Does not want men to cut down and burn trees near her home. Cannot play outside or ride bikes because the burning makes her sick. The burning is bad for animals and trees.

Mr. Denis Canavan was directed to look into the burning issues by builders around the Greenbrier Subdivision. He will work with the Health Department on this issue, and will get back to the Commissioners with more information in the future.

Rear Admiral Gus Eggert – Announced that the members of the Navy Museum Board were glad to have everyone in the audience visit the Museum – offered to provide personal tours of the equipment and facilities after the completion of the meeting.

Commissioner President McKay closed the public forum for public comment.

ADJOURNMENT

The meeting adjourned at 6:56 p.m.

Minutes Approved by the
Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator
to the Board of County Commissioners